

## Defense Acquisition Regulations System, DoD

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AUTHORITY: 41 U.S.C. 1303 and 48 CFR chapter 1.

SOURCE: 56 FR 36447, July 31, 1991, unless otherwise noted.

### Subpart 244.1—General

#### 244.101 Definitions.

As used in this subpart—

*Acceptable purchasing system* and *purchasing system* are defined in the clause at 252.244–7001, Contractor Purchasing System Administration.

*Significant deficiency* is defined in the clause at 252.244–7001, Contractor Purchasing System Administration.

[76 FR 28871, May 18, 2011]

### Subpart 244.2—Consent to Subcontracts

#### 244.201 Consent and advance notification requirements.

[78 FR 69272, Nov. 18, 2013]

##### 244.201–1 Consent requirements.

In all solicitations and contracts involving the development or delivery of any information technology, whether acquired as a service or as a supply, consider the need for a consent to subcontract requirement regarding supply chain risk (see subpart 239.73).

##### 244.202 Contracting officer's evaluation.

##### 244.202–2 Considerations.

(a) Where other than lowest price is the basis for subcontractor selection, has the contractor adequately substan-

tiated the selection as offering the greatest value to the Government?

[60 FR 29501, June 5, 1995]

### Subpart 244.3—Contractors' Purchasing Systems Reviews

#### 244.301 Objective.

The administrative contracting officer (ACO) is solely responsible for initiating reviews of the contractor's purchasing systems, but other organizations may request that the ACO initiate such reviews.

[70 FR 67922, Nov. 9, 2005]

#### 244.303 Extent of review.

(a) Also review the adequacy of rationale documenting commercial item determinations to ensure compliance with the definition of "commercial item" in FAR 2.101.

(b) Also review the adequacy of the contractor's counterfeit electronic part detection and avoidance system under clause 252.246–7007, Contractor Counterfeit Electronic Part Detection and Avoidance System.

[67 FR 38023, May 31, 2002, as amended at 79 FR 26106, May 6, 2014]

#### 244.305 Granting, withholding, or withdrawing approval.

#### 244.305–70 Policy.

Use this subsection instead of FAR 44.305–2(c) and 44.305–3(b).

(a) The cognizant contracting officer, in consultation with the purchasing system analyst or auditor, shall—

(1) Determine the acceptability of the contractor's purchasing system and approve or disapprove the system; and

(2) Pursue correction of any deficiencies.

(b) In evaluating the acceptability of the contractor's purchasing system, the contracting officer, in consultation with the purchasing system analyst or auditor, shall determine whether the contractor's purchasing system complies with the system criteria for an acceptable purchasing system as prescribed in the clause at 252.244–7001, Contractor Purchasing System Administration.

(c) *Disposition of findings*—(1) *Reporting of findings*. The purchasing system